

WEST LAKE LANDFILL CONGRESSIONAL BRIEFING

Monday, September 29, 2014

1:00 p.m. – 2:30 p.m.

NAMES:

Jo Middleton, Regional Director, Office of Sen. McCaskill
Kerry DeGregorio, Constituent Advocate, Office of Sen. Blunt
Jennifer Hoskins, Field Representative, Office of Sen. Blunt
Steve Engelhardt, Press Secretary, Office of Rep. Clay
Miriam Stonebraker, District Director, Office of Rep. Wagner?
Jeff Rainford, Chief of Staff, Office of Mayor Slay
Rhonda Hamm-Niebruegge, Director, Lambert-St. Louis Airport
Conference Line:

Bob Jackson, SUPR Director
Lynn Slugantz, West Lake Senior Advisor
Curtis Carey, OPA Director
Mary Peterson, Acting OPA Deputy Director
LaTonya Sanders, Congressional Liaison

LOCATION: Office of Sen. Claire McCaskill

STAFF: LaTonya Sanders, 913-387-7548

TOPIC/S:

- Isolation Barrier
- Subsurface Smoldering Event
- EPA Progress
- Next Steps

FORMAT: 1.5 hour, briefing/update with Q&A

This will be an opportunity for YOU to share with congressional staff the status of work being done at the West Lake Landfill site, discuss concerns, answer questions.

BACKGROUND MATERIALS:

- Talking Points – (p. 2)
- Sen. Blunt/Kerry DeGregorio Call Summaries – (p. 4)
- Recent letter to the congressional delegation – (p. 9)

Talking Points
West Lake Landfill Congressional Briefing
Karl Brooks, Regional Administrator
September 29, 2014

Key Messages

EPA's work at this site has been thorough and complete

EPA will continue to lead a focused and coordinated effort to protect public health

EPA remains focused on the long term cleanup plan for the site

1. Isolation Barrier

a. Next Steps

- i. PRPs will prepare and submit by mid-October detailed plans for IB alignment alternatives and bird mitigation plans for each alternative.
- ii. The bird mitigation plans will be provided to SLAA and FAA for review.

b. Public Safety

- i. Plans for the IB must address safety not only with regard to potential exposures for site workers and area residents, but also must address the risk of bird strikes.
- ii. Ensuring the safety of the flying public and those living and working around the WL Site remains our top priority.
- iii. EPA appreciates your concerns about the pace of work at the site and takes the responsibility of protecting the health and safety of your neighbors very seriously

2. Subsurface Smoldering Event

- a. The SSE at the Bridgeton LF continues to be managed under state authority.
- b. We understand the state has approved Republic's plans to install additional monitoring probes to assess the extent of the SSE, and has also approved plans for Republic to install a heat removal system to better control the SSE.
- c. EPA coordinates routinely with MDNR in order to stay informed.

3. EPA Progress in last 6 months

- a. BMAC – EPA completed a comprehensive surface gamma screening and soil sampling effort, which demonstrated no evidence of health concerns due to radionuclide contamination.
- b. Partnership with USACE – EPA negotiated and signed two IAGs with USACE for technical assistance with the IB project and the remedy selection process. The USACE has produced an IB Alternatives Assessment and has taken an active role at monthly CAG meetings.
- c. Pre-Construction – EPA negotiated a consent order with the PRPs for pre-construction activities. The work plan has been prepared and approved, and litter fencing has been installed by the PRPs.

- d. Off-Site Air Monitoring – EPA has established an air monitoring system in the offsite areas surrounding the WLL Site. This system includes 5 air monitoring stations that collect data for a variety of constituents. A local field office has been set up as the control center for the air monitoring network, which is staffed each week by EPA On-Scene Coordinators and contractors. The field office has recently been relocated due to planned construction activities at the Fire Station.
- e. Enhanced Public Communications – EPA has expanded its efforts to provide timely and accurate information to the public through the publication of a routine newsletter called the West Lake Update. EPA continues to work closely with the CAG Chair, and has made recommendations to bring more form and substance to the CAG meetings. In addition, EPA funds a contract to provide technical support for the CAG.

4. What's Next?

- a. EPA will review the detailed plans for the IB alignment alternatives due mid-October.
- b. EPA will review the Bird Mitigation plans also due mid-October, and will coordinate that review with the SLAA and FAA.
- c. EPA will review the USGS report regarding groundwater data, and will communicate with the Congressional delegation and the public regarding the conclusions.
- d. EPA continues to progress toward selection of a final remedy. We expect to approve work plans very soon for the next stages of Feasibility Study work that must be completed to support a new Proposed Plan and Record of Decision.

Sen. Blunt/Kerry DeGregorio contacted USGS and the Corps on 9/9 and 9/11 about the status of the Groundwater Report and the Isolation Barrier. LaTonya Sanders contacted Kerry on 9/15 to touch-base with her and discuss her concerns:

- Isolation Barrier delay! 18-month design period before anything will be decided about the isolation barrier
- MDNR states that there is heat beyond the interceptor wells
- Karl originally said no digging in the RIM
- Congressional delegation concerned about the delay; the PRP delays are frustrating
- Concerned after the last CAG meeting about risk assessment

Sanders, LaTonya

From: Carey, Curtis
Sent: Thursday, September 11, 2014 12:21 PM
To: Field, Jeff; Peterson, Mary; Washburn, Ben; Slugantz, Lynn
Cc: Jackson, Robert W.; Gravatt, Dan; Stoy, Alyse; Sanders, LaTonya
Subject: RE: Call from Sen. Blunt's office

Thanks Jeff. It really does look like a briefing is in order. She has many questions we need to address directly. OPA is meeting internally today to start some actions.

From: Field, Jeff
Sent: Thursday, September 11, 2014 12:11 PM
To: Carey, Curtis; Peterson, Mary; Washburn, Ben; Slugantz, Lynn
Cc: Jackson, Robert W.; Gravatt, Dan; Stoy, Alyse
Subject: FW: Call from Sen. Blunt's office

Latest inquiry.

From: Schumacher, John [<mailto:jschu@usgs.gov>]
Sent: Thursday, September 11, 2014 12:01 PM
To: Field, Jeff
Subject: Fwd: Call from Sen. Blunt's office

FYI --

----- Forwarded message -----

From: Schumacher, John <jschu@usgs.gov>
Date: Thu, Sep 11, 2014 at 11:29 AM
Subject: Call from Sen. Blunt's office
To: Michael Slifer <meslifer@usgs.gov>

Mike,

I had a call from Kari at Sen. Blunt's office this morning. She asked if USGS had released our report on the groundwater at West lake to EPA R7 yet?

I told her, no, and that it was at the second level of peer review.

She asked when was the schedule for it to be "released". I told her that we had just had a phone call with R7 as they were asking about its status as well. I told her it was an administrative report and that it would be provided to EPA once it has official BAO approval.

She asked what was the process?

I told her I should be getting it back from the second peer review around Sept 22-23 and that after we had those comments back and provided there were none that would result in substantive changes, we were scheduled to have a phone call/briefing with R7 before end of the month to let them know what the general finding of the report were.

I then explained that after I addressed the review comments the draft report would go to editorial review/cleanup and then to Keith for BAO approval and at that point it was a "USGS product".

She asked if the draft document was subject to FOIA?

I responded that to my knowledge the draft was considered deliberative and not subject to FOIA.

She then asked if the BOA approval final document was subject to FOIA?

I responded that I'm sure it was. But that I would confirm that and let her know if that was not the case.

She also asked if USGS would be releasing the document ourselves?

I told her that I did not think we would be releasing it as it was an administrative report to EPA and we would be providing them the report.

She expressed some concern at this as mentioning that R7 had not always been forthcoming with releasing information and mentioned something about a USACE document(s). I made not comment.

She asked if once the document had BAO approval USGS could provide a briefing to the Senator (possibly in Mo or perhaps with a staffer via phone in D.C.)?

I responded that I would pass that request onto you and up the food chain but at my level I did not see any issues once the document has BAO approval.

--

John G. Schumacher
Chief, Hydrologic Investigations
U.S. Geological Survey
Missouri Water Science Center
1400 Independence Road
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Sanders, LaTonya

From: Field, Jeff
Sent: Wednesday, September 10, 2014 11:02 AM
To: Carey, Curtis; Peterson, Mary; Sanders, LaTonya
Cc: Jackson, Robert W.; Slugantz, Lynn; Stoy, Alyse
Subject: FW: Congressional Staffer Inquiry FW: USACE agreement with EPA (UNCLASSIFIED)
Attachments: image001.png; image002.png; image003.jpg; image004.png; Record of Verbal Correspondence DeGregorio 9-9-14.pdf

FYI

-----Original Message-----

From: Kiefer, Robyn V NWK [mailto:Robyn.V.Kiefer@usace.army.mil]
Sent: Wednesday, September 10, 2014 10:57 AM
To: Field, Jeff; Gravatt, Dan
Cc: Young, Scott E NWK; Leibbert, Jason M NWK
Subject: Congressional Staffer Inquiry FW: USACE agreement with EPA (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

I received the email below yesterday and returned Kerry's call to request that she send her inquiries to EPA and that EPA will need to respond to her inquiries. However, during the call, she did ask a couple questions and I responded in accordance with information that was in the IB Alignment Assessment Report and the prepared talking points. See attached record of verbal correspondence.

I do believe she now understands that the Corps will not directly answer any further inquiries and that she will need to go through you from now on. For any future emails received, I will respond to her via email and CC: you and state that her inquiries are being forwarded to EPA for response. Any calls received, I will ask her to contact you for response.

Please let me know if you have any questions/concerns.

Thanks,
Robyn

-----Original Message-----

From: DeGregorio, Kerry (Blunt) [mailto:Kerry_DeGregorio@blunt.senate.gov]
Sent: Tuesday, September 09, 2014 10:30 AM
To: Kiefer, Robyn V NWK
Subject: [EXTERNAL] USACE agreement with EPA

Robyn,

It was good to see you and the USACE staff last night. I wanted to ask a question and if this is best answered by phone feel free to call me.

Since USACE has written an evaluation of the 3 possible PRP designs to build the isolation barrier at West Lake Landfill, how difficult would it be for the Corp to provide an alternative plan for consideration if requested?

Record of Verbal Correspondence
US Army Corps of Engineers

Date: 9-9-14

Call From : Robyn Kiefer, USACE PM

Call To: Kerry DeGregorio, Constituent Advocate, Senator Roy Blunt's Office

I called Kerry to respond to her email dated 9/9/14. I told her I received her email and that I would have to defer her questions to EPA to answer. She was clearly annoyed at my response and asked, "even if all I want to know is what it would take to get the Corps to provide another path for the barrier?" I explained that what she is asking for is something that could potentially go beyond the technical assistance that is covered in our IA and that EPA would have to make that determination if we were to support in that way. She said she understood that a new IA could be required and that it would cost more, but could we do it? I told her that we would provide support to EPA however they asked us to support.

She then asked about the 18 month timeline and if that was reasonable. I clarified that our report stated it could be between 14 months and 18 months, depending upon the alignment selected. She asked again if that was reasonable. I explained that it will take time for the RPs to get the geotechnical information required for the design and if the alignment would go through RIM, it will take time to plan for that to ensure the safety of on-site workers, off site populations, and from a bird hazard mitigation standpoint, the safety of airline passengers.

She asked how the Corps does design reviews on Corps projects. I explained that the Corps' process is to perform a 30%, 60%, and 90% review to capture issues as early as possible in the design process so that we don't get to the end of the design, find an issue, and have to go back and possibly have to redo a large part of the design and lose all that time. I explained that the design review process can take approximately a month for each review and that there are ways that time could potentially be shortened, but it can impact the project. I told her the Corps had discussions with the RPs about how long it would take them to get the geotechnical data and complete the design and we applied our review process (30/60/90) to come up with that 14-18 month estimate, depending upon the alignment.

She went on to state that there is a high frustration level with the delays and that the AG is preparing to file suit against the RPs. Just before we got off the call, I told her that I understand she wants to be able to talk to us, but we really need her to have her questions go to EPA for official responses. She said that she talked with the EPA about lifting their "gag order" on us, but EPA said no. She thanked me for my time.

End of call.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

OFFICE OF THE
REGIONAL
ADMINISTRATOR

JUL 28 2014

The Honorable Claire McCaskill
United States Senate
Washington, DC 20510

The Honorable Roy Blunt
United States Senate
Washington, DC 20510

The Honorable William Lacy Clay
U.S. House of Representatives
Washington, DC 20515

The Honorable Ann Wagner
U.S. House of Representatives
Washington, DC 20515

Dear Members of Congress:

Thank you for your letter of July 17, 2014, about Region 7's work at the West Lake Landfill Superfund site. As I assured Senator McCaskill and Representatives Clay and Wagner during our conversations on July 24, 2014, this agency appreciates your concerns about the pace of work at West Lake and takes the responsibility of protecting the health and safety of your neighbors very seriously.

The agency's Bridgeton Municipal Athletic Complex soil sampling analytical report will be finalized very shortly. As with the preliminary gamma screen report, Region 7 will share the analytical report promptly with Mayor Bowers, your offices and interested community members, along with St. Louis media. I am committed to ensuring that you get these important announcements in advance.

Under EPA's first Interagency Agreement with the U.S. Army Corps of Engineers, Region 7 has used USACE's expertise to:

- Evaluate the Isolation Barrier, potential alignments, schedules, and construction technologies to construct the barrier;
- Assist the EPA at Community Advisory Group meetings and in preparing responses to CAG questions;
- Assist the EPA in reviewing the draft and revised Isolation Barrier Pre-Construction workplans;
- Brief EPA senior leadership on the technical evaluation of the isolation barrier alignments; and
- In the future, assist Region 7 with review of the design documents for the IB and conduct field oversight of barrier construction.



The EPA and USACE are entering into a second IA under which USACE will provide independent technical reviews of the Potentially Responsible Parties workplans needed to address the National Remedy Review Board comments on the Supplemental Feasibility Study. Completion of this work on an updated Supplemental Feasibility Study will enable the Region 7 Administrator to issue a proposed Record of Decision for Operable Unit 1 at the West Lake National Priority Listing.

The USACE will lead a technical briefing for Region 7 and two key stakeholders – the St. Louis Airport Authority management and Attorney General Koster – in early August. This briefing will outline factors governing the IB alignment and schedule of work.

The Isolation Barrier design plans will be finalized concurrently with additional field work utilizing Ground Cone Penetrometer Testing/coring to collect the remaining geotechnical and radiological data needed for the design. The time to construct the barrier is not yet precisely defined but would likely be six months or more.

Again, thank you for your letter. If we can be of any further assistance, please feel free to contact me at 913-551-7006, or your staff may call LaTonya Sanders, Congressional Liaison, at 913-551-7555.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl Brooks', with a stylized, cursive script.

Karl Brooks

